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SUMMARY RECORD OF THE 19th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 18 August 1997, at 3 p.m.

Chairman: Mr. BENGOA

later: Mr. PARK

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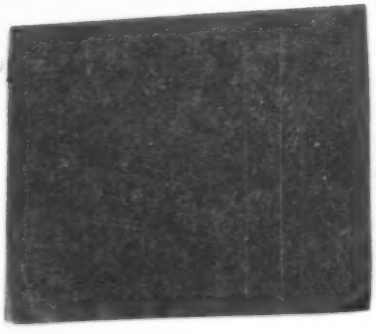

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The meeting was called to order at 3.20 p.m.

CONTEMPORARY FORMS OF SLAVERY (item 6 of the agenda) (continued)
(E/CN.4/Sub.2/1997/11 and E/CN.4/Sub.2/1997/NGO/10)

1. Ms. McDOUGALL noted that Ms. Chavez had not been in a position to submit her final report as requested by the Sub-Commission and had resigned as Special Rapporteur on the situation of systematic rape, sexual slavery and slavery-like practices during periods of armed conflict. In anticipation of the meetings, shortly to take place in New York, of the Preparatory Committee for the creation of an international criminal court and of the conference to be held in Rome for the adoption of a convention to that effect, it was essential to continue the work begun by Ms. Chavez in her preliminary report (E/CN.4/Sub.2/1996/26) and to present a final report on the matter. The author of the final report should endeavour, taking into account the experience of the international criminal tribunals created for the former Yugoslavia and Rwanda, as also Mr. Chernichenko's study on the recognition of gross and massive violations of human rights as international crimes (E/CN.4/Sub.2/1997/29), to provide definitions of crimes and their constituent elements so that their perpetrators could be prosecuted by the future international criminal court. The author should also consider whether the existing norms, under international law, on human rights and humanitarian law were effectively applicable to systematic rape, sexual slavery and slavery-like practices during wartime, as perceived in recent years: sexual crimes, which were characterized in humanitarian law as crimes against honour or dignity, were recognized in many countries as crimes of violence and were prosecuted accordingly. Increasingly, too, rape was considered as a method of torture.

2. Further, the author of the final report should consider the procedures and rules of evidence applicable to such violations and distinguish their potential consequences according to whether the victims were children or adults. The report should also analyse rape and sexual assault as constituent elements of other crimes and the legal consequences that might result therefrom, such as universal jurisdiction against torturers and the obligation of States to compensate victims. Also, in view of their effects on the physical and mental health of the victims, such crimes should be considered as violations of the right to health. Lastly, the final report should highlight the obligation of Governments to investigate and prosecute those crimes and it should suggest an international framework that could be put in place for that purpose by Governments and the international criminal court.

3. Ms. ATTAH endorsed the previous speaker's comments. Referring to paragraphs 37-83 of the report of the Working Group on Contemporary Forms of Slavery (E/CN.4/Sub.2/1997/13), she described the situation of women and girls who fell victims to trafficking syndicates and were often driven into prostitution by poverty. In her own country, Nigeria, the authorities had issued a decree on child rights which penalized trafficking in and exploitation of girls for prostitution, and had set up a committee to monitor its application. The enactment of such laws was indeed a means of combating exploitation of children and child labour, but in her view Governments had to

address themselves seriously to the problems of unemployment and poverty and raise public awareness of the rights of the child guaranteed in the international covenants that States were party to.

4. Referring to paragraphs 62-64 of the Working Group's report, she noted an unfortunate tendency on the part of certain non-governmental organizations recently created in developing countries to exaggerate the facts in order to justify the funds sent to them from abroad. The studies made by such organizations should be forwarded to their respective Governments, whose duty it was to track down and prosecute offenders. Interesting information might well be forthcoming from the meeting of police chiefs of the Economic Community of West African States (ECOWAS) that had been held at Abuja, Nigeria, on the problem of trafficking in children referred to in paragraph 74 of the Working Group's report. She was gratified at what had been achieved by international cooperation in that area and at the increasing sensitivity to women's concerns of the police forces, especially those in which women occupied positions of responsibility, as in her country, where the chief of Interpol was a woman.

5. Mr. GUISSE said that, in a world where slavery was taking ever more pernicious and serious forms, migrant workers and their families lived under characteristic conditions of discrimination. He therefore appealed to host countries not only to respect the human rights in general of displaced populations, but also to apply to them the ILO standards (on social security, job security, security when unemployed and protection of the family). Regarding the forms of violence mentioned by Ms. McDougall, which left indelible marks on the victims' personalities, they showed that protection of women and children remained an objective to be attained. The recommendations framed by Mrs. Warzazi and Ms. Chavez, backed by the actions of the competent specialized agencies and the political will of Governments, should result in better protection of children and in eliminating rape from the behaviour of individuals. In that connection, he stressed the need for in-depth study of the behaviour of intervention armed forces, of whatever origin (United Nations or regional armed forces) towards destitute and totally unprotected civilian populations, i.e. in situations conducive to rape.

6. Mrs. PARES PUNTAS (Pax Romana) recalled that in section IV, paragraph 63 of its resolution 51/77, dated 12 December 1996, the General Assembly had stressed the need to strengthen partnerships between international organizations, non-governmental organizations (NGOs) and Governments to eradicate the sale and sexual exploitation of children. She cited some examples of those contemporary forms of slavery which were rife not only in the developing countries, but also in the so-called developed ones. She regretted that the Inter-sessional Open-ended Working Group for the Elaboration of an Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography to the Convention on the Rights of the Child had made little progress in its work since it had been set up in 1995. She noted also that the Commission on Crime Prevention and Criminal Justice was considering the establishment of a working group to lay the groundwork for a draft convention against trafficking in children and report to the Commission's next session.

7. While stressing the urgent need to adopt an optional protocol to the Convention on the Rights of the Child, Pax Romana shared the view of the Working Group on Contemporary Forms of Slavery that consideration must be given to ways and means of monitoring the existing international instruments. Further, she requested the Sub-Commission to appoint as soon as possible a special rapporteur to study the situation with regard to systematic rape, sexual slavery and slavery-like practices during periods of armed conflict. Lastly, she felt that the recognition by each country of a double jurisdiction would enable the competent authorities to prosecute those committing such acts either in the country of origin or in the country of destination.

8. Mr. Park took the Chair.

9. Mr. KIM CHANG HWAN (International Association of Democratic Lawyers) expressed opposition to the creation in Japan of a private fund to compensate Asian women who had been victims of the sexual slavery organized by the Japanese army during the Second World War. It was simply an attempt by the Japanese Government to evade its responsibilities. As Ms. Coomaraswamy, Special Rapporteur on violence against women, had pointed out in her report (E/CN.4/1996/53/Add.1), the Japanese Government should accept its legal responsibility under international law and indemnify the victims. That indemnification should take place after the violations committed had been investigated, an official apology made to the victims and the guilty parties sentenced. The International Association of Democratic Lawyers strongly urged the Japanese Government to present sincere apologies to the victims of the serious crimes against humanity that had been committed and to accept its legal responsibility in the matter.

10. Mr. HIRASAWA (International Association of Democratic Lawyers) noted that in her report Ms. Coomaraswamy had stressed the necessity of education on sexual slavery during wartime. However, the first efforts to have the existence of "comfort women" mentioned in school textbooks were being thwarted by the Japanese Government, which screened what went into school books, and by the campaigns conducted by academics, teachers, politicians and news media pressuring the Ministry of Education not to allow the situation of those women to be described in them. The school textbook screening system was not in conformity with the Japanese Constitution. Moreover, it violated the right to freedom of expression and the right to information guaranteed in article 19 of the International Covenant on Civil and Political Rights and article 13 of the Convention on the Rights of the Child, and it was in conflict with article 13 of the International Covenant on Economic, Social and Cultural Rights and articles 28 and 29 of the Convention on the Rights of the Child. The Sub-Commission should recommend to the Japanese Government that it at least review the present school textbook screening system and cease its authoritarian intervention in their preparation.

11. Ms. PARKER (International Educational Development) said that her organization had been working for six years on the question of compensation for persons who had been victims of slavery and slavery-like practices during the Second World War. It cooperated in particular with the Global Alliance for Preserving the History of World War II in Asia, which was demanding due compensation for Chinese civilians who had been victims of atrocities during that conflict.

12. Various groups in the United States of America, Australia, New Zealand, the United Kingdom and the Netherlands had filed cases with the Japanese courts to obtain compensation for civilians who had been interned by the Japanese authorities during the conflict. A similar action had been brought in the United States courts to obtain reparations for the damage sustained by Latin Americans of Japanese extraction, mainly Peruvians, whom the United States Government had interned in labour camps with a view to exchanging them for Americans detained in Japan.

13. The Japanese courts had also been seized of an indemnification claim for the wrong suffered by over 240,000 women subjected to sexual slavery during the Second World War. Persons living in the countries of the former Eastern bloc whose rights had been infringed by Germany had also demanded compensation. The same applied to persons whose bank assets had been confiscated by the Japanese occupying authorities and had still not been restored to them. Moreover, Swiss, Canadian, United States, French and Vatican banks had been implicated in murky affairs that must be fully elucidated.

14. Unlike Germany, which had understood that indemnification of victims was a matter of national honour, the Japanese State refused to come to terms with its past and used specious legal arguments to evade its obligation to compensate the persons who had been victims of its actions during the Second World War.

15. It was the Sub-Commission's moral duty to urge all parties to the Second World War, including neutral countries, to settle the claims presented to them.

16. Mr. TOTSUKA (International Fellowship of Reconciliation (IFOR)) said that the reason why most of the women who had been subjected to sexual slavery by the Japanese army had not accepted compensation from the Asian Women's Fund, which was financed by private contributions, was that the Japanese State refused to recognize expressly its responsibility in the matter and to indemnify the victims directly.

17. IFOR therefore welcomed the fact that Japanese parliamentarians, backed by a growing number of intellectuals, were planning to present two bills aimed at achieving reconciliation. The first bill provided for setting up a committee of inquiry into the violations of international law committed by the Japanese army. The second provided for payment by the State, as an interim measure, of 4 million yen to the former "comfort women". It was to be hoped that the Japanese Diet would pass those two bills into law. It unfortunately did not have the capacity, for constitutional reasons, to recognize the responsibility of the State in regard to the crimes committed by the Japanese army; that was a question which lay within the jurisdiction of the Supreme Court, which might perhaps take another 10 or 20 years to pronounce judgement. The international community must therefore continue its efforts to get that responsibility recognized, and it would be desirable for the victims to accept the interim measure provided for and the offer from the Asian Women's Fund if the draft laws in question were adopted.

18. In conclusion, IFOR regretted the resignation of the Special Rapporteur on wartime slavery, Ms. Chavez, and hoped, like Ms. Chavez herself, that the Sub-Commission would appoint Ms. Gay McDougall in her place.

19. Ms. FATIO (Baha'i International Community) said that the 24 non-governmental organizations on whose behalf she was taking the floor welcomed the report of the Working Group on Contemporary Forms of Slavery on its twenty-second session (E/CN.4/Sub.2/1997/13). The Working Group rightly stated that slavery was a crime against humanity and that incest and sexual abuse of children inside the family were a common and morally most repugnant form of slavery. Moreover, such practices could have serious consequences for society as a whole and for future generations. Not only, therefore, must Member States be urged, as they had been by the Working Group, to take adequate steps to punish severely the perpetrators of that particularly heinous offence, but stress must also be laid on prevention, education and strengthening of the family. As the Special Rapporteur on the sale of children, child prostitution and child pornography emphasized in his report (E/CN.4/1997/95), the vulnerability of children lay primarily in the environment in which they lived, for example marginalized or problem families. Further, the Commission on Human Rights allocated to education an entire chapter of its Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography.

20. Education should be designed to inculcate in children not only self-respect but also respect for others and values such as cooperation, trustworthiness, honesty, solidarity, equality between men and women, and the inadmissibility of resorting to physical force against the weak.

21. The Convention on the Rights of the Child stipulated that children's views should be sought on all matters concerning them. Every means must therefore be used, including the media, to raise public awareness about the importance of respect for the rights of all members of the family and about the devastating consequences of child abuse within the family.

22. Ms. SHIN (World Alliance of Reformed Churches) said that her organization had welcomed the report of the Working Group on Contemporary Forms of Slavery on its twenty-second session (E/CN.4/1997/13), including particularly the paragraphs on violence against women and sexual slavery during wartime. In that connection, it must be borne in mind that the majority of the "comfort women" still alive were insistent that the Japanese State should recognize its international responsibility and should itself compensate the victims individually so as to restore to them their honour and dignity. The World Alliance of Reformed Churches was convinced that the way in which the question of women subjected to sexual slavery by Japan was resolved would have a direct impact on other cases of violence against women in wartime. Systematic rape and sexual slavery were practices still current in the contemporary world, as shown by what had occurred in Bosnia-Herzegovena and Rwanda.

23. The World Alliance of Reformed Churches therefore requested the Sub-Commission to urge the Government of Japan to restore to the victims of sexual slavery their honour and dignity by conducting an exhaustive investigation of the acts denounced, making an official apology and granting

them compensation. The Sub-Commission should also appoint a new Special Rapporteur to produce the final report on systematic rape, sexual slavery and slavery-like practices during wartime.

24. Mr. SAMOURA (African Commission of Health and Human Rights Promoters - CAPSDH) found it scandalous that on the eve of the third millennium men, women and children should still be victims of slavery and slavery-like practices. CAPSDH believed that the spirit of enterprise and capacity for change of African civil societies would enable them to build a future rid of the age-old scourge of slavery. That would mean putting into effect rural development programmes that took into account the sorry state of the economies of certain countries and aimed at the fulfilment of people's physical and mental potential. The necessary funds must also be quickly made available to provide schooling for the child victims of ill-treatment and exploitation, to give moral and financial support to the widows and maidservants rescued from prostitution, and to help the human rights defence associations.

25. The Governments that hurriedly ratified international conventions they were hard put to it to implement should be denounced. After all, the rich countries had enormous difficulty in combating the contemporary forms of slavery represented by child prostitution, sexual tourism or pitiless exploitation of migrant workers. The developed countries should therefore see to it that due respect was accorded to the rights of the child and the dignity of persons with no fixed abode or without identity papers who were unceremoniously expelled. As for the developing countries where slavery-like practices were still rife, they should stop appealing to their lack of financial means to excuse the half-heartedness of their efforts to eradicate that evil.

26. In conclusion, CAPSDH: supported the proposal of the Working Group on Contemporary Forms of Slavery for the holding, on 2 December every year, of an international day for the abolition of slavery in all its forms; proposed the establishment of an international human rights monitoring institute to study the development of the situation in the different countries of world; and assured the Working Group that it would give effect to its recommendations through a strategy based on local, community-level mutual aid mechanisms and on respect for African values and capabilities.

27. Ms. KAUR (International Institute of Peace) called attention to the situation of the children in developing countries who were compelled to become breadwinners for their families and were thus subjected to various forms of exploitation, in particular bonded labour and prostitution. In Pakistan, for example, according to a leading Pakistan daily, over 3 million children aged between 5 and 14 years were at work. A survey conducted among children aged from 6 to 11 years showed that many of them had been sexually abused. Those twin evils of child labour and child prostitution, engendered by population growth, poverty, illiteracy and unemployment, were unfortunately encouraged by certain citizens of the developed countries, who took advantage of them. It amounted to a new form of human colonization.

28. Currently, therefore, poor and rich countries alike were party to such exploitation of children, which threatened to have a devastating effect on the

future of mankind if nothing was done to put a stop to it. Pornography, sale of children and sexual tourism existed only because they met a demand, so it was at that level that action must be taken. While education and economic development might save some children from an existence liable to traumatize them for ever, for a large majority of children it was too late and punishment of the guilty was the sole recourse.

29. The International Institute of Peace welcomed the report of the Working Group on Contemporary Forms of Slavery, which had studied the subject in depth. It remained for the international community to demand of Governments that their legal structures should be so amended that those responsible for violence against children were treated as murderers. The Sub-Commission for its part must not confine itself to drafting protocols but must force Governments to take substantive and effective measures.

30. Ms. TANAKA (International Movement against All Forms of Discrimination and Racism - IMADR), speaking also on behalf of the organization Coalition against Trafficking in Women, reminded the Sub-Commission of the proposal presented by IMADR to the Working Group on Contemporary Forms of Slavery for an optional protocol to the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. An additional text would be able to cover new aspects of trafficking in persons in the light of the experience acquired by United Nations mechanisms which had not existed in 1949. During recent decades the phenomenon of trafficking in women and girls had greatly intensified and taken new forms, such as sexual tourism, sale of women by mail order and sexual exploitation of domestic workers. The international community was thus faced with a qualitative and quantitative intensification of abuses, which were no longer sufficiently covered by the 1949 Convention.

31. The Working Group on Slavery had several times reviewed information received under the 1949 Convention, and the Secretary-General had submitted a number of reports on the subject, including relevant information from States. However, unlike the Convention on the Elimination of All Forms of Discrimination against Women, the 1949 Convention lacked a mechanism for monitoring the application of its provisions by States. In view of the current situation and of the recommendations for the creation of such a mechanism contained in the Beijing Platform of Action and in the Secretary-General's report on traffic in women and girls (A/51/309), any opposition on the part of Governments would be unacceptable. The effectiveness of the United Nations' intervention capability in the area of human rights had been strengthened, not only through the introduction of an elaborate reporting system, but also through the creation of possibilities for the submission by individuals of complaints to the Committee for the Elimination of Racial Discrimination, the Human Rights Committee and the Committee against Torture. The Committee for the Elimination of Discrimination against Women and the Committee on Economic, Social and Cultural Rights were also considering such a procedure. The time had therefore come to prepare an optional protocol to the 1949 Convention.

32. The International Movement against All Forms of Discrimination and Racism had drawn up a list, available for consultation by all participants so wishing, of points that might be covered in the draft. It was currently

preparing, in cooperation with other NGOs, a draft optional protocol which it would submit to the next session of the Working Group on Contemporary Forms of Slavery.

33. Mr. POTHRIDGE (Anti-Slavery International) expressed gratification that for the first time representatives of NGOs had been able to take part in the session of the Working Group on Contemporary Forms of Slavery, thanks to support from the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery. Thus NGOs from Cambodia, India, Mongolia, Nigeria and the Russian Federation had been able to submit information on the previously little-known situations in their respective countries.

34. During its last few sessions the Working Group had examined a wide range of subjects without being able to enter into detail or propose concrete measures that Governments could take, except with regard to the sexual exploitation of children for commercial purposes and the question of "comfort women". Yet it was when the Working Group had concentrated, over the past decade, on specific matters and concluded its studies by formulating a recommendation or a programme of action that its deliberations had been most productive. That focused approach could be encouraged by the participation of NGOs, made possible by support from the Voluntary Trust Fund and therefore in effect from the Governments contributing to that fund. Thus at its last session the Working Group had been able to obtain information on trafficking in children in West Africa thanks to the presence of two NGO representatives from Togo and Nigeria who had come to report on the findings of research projects concerning girls recruited to work as domestic servants and smuggled into various countries of the region. It was high time that the intergovernmental organizations and Governments of West Africa took steps to protect girls from such trafficking, which was also attested to by journalists. The millions of people who employed children as domestic servants in West or Central Africa and many other regions of the world did not consider the practice wrong. Nevertheless, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery condemned, in its article 1 (d) any practice whereby children were delivered by their parents or guardian to a third party with a view to the exploitation of their labour. It was noteworthy in that connection that, while few or no Governments had prohibited the employment of children as domestic servants, the measures taken by the Government of Benin against such illegal traffic had reduced the number of girls taken abroad to work.

35. Pending a clear indication from ILO as to what forms of child labour were unacceptable, it seemed important that the human rights protection mechanisms instituted by the United Nations should unequivocally condemn all forms of recruitment of children which put their lives at risk. In conclusion, Anti-Slavery International invited the Working Group on Contemporary Forms of Slavery to focus its attention on a number of specific abuses which it could consider in depth over a period of a few years in order to identify means of correcting them.

36. Mr. KOHLI (Indian Council of Education) observed that in southern Asia poverty and adult unemployment often doomed children to utterly degrading

activities. Population growth together with social and cultural norms discriminating between boys and girls had created an environment conducive to the exploitation of children in developing countries.

37. Despite the commitments to protection of children entered into at the World Summit for Children in 1990 and the World Summit for Social Development at Copenhagen in 1995, and the adoption in 1989 of the Convention on the Rights of the Child, the abuses to which children were subjected had not been eliminated. The recent happenings in developed, educated and rich societies showed, moreover, that education and economic progress were not sufficient remedies. They must be reinforced by exemplary punishment of those guilty of child abuse. The mere adoption of an additional protocol would not suffice to improve the situation. People in poor countries did not understand such protocols, and in rich countries the guilty were sentenced to lenient, educational penalties. Meanwhile child abuse continued.

38. It was the NGOs which were best placed to take action for the protection of children. The Indian Council of Education therefore urged the Governments of all developing countries to entrust the implementation of the Convention on the Rights of the Child mainly to local NGOs, on the understanding that they would be given suitable training with the help of the United Nations agencies and other international organizations working in that field. The Sub-Commission, for its part, should devise mechanisms to ensure that practices which deprived children of their dignity and freedom were eradicated and that States lived up to their responsibility in regard to protection of children vis-à-vis the international community.

39. Mr. GUPTA (International Institute for Non-aligned Studies) said that, despite the efforts exerted in India to put an end to child slavery, many harmful practices persisted, mostly attributable to economic reasons. In many developing countries children had to start earning their bread very early, making them a prey to various forms of exploitation, particularly bonded labour, prostitution, and their sale and use for sexual and pornographic purposes. Many instruments and resolutions had been adopted by the United Nations to safeguard the rights of the child. He referred in particular to the Programme of Action for the Prevention of Sale of Children, Child Prostitution and Child Pornography, adopted by the Commission on Human Rights in its resolution 1992/74 whose application the Sub-Commission was responsible for monitoring.

40. In India many NGOs and social workers were striving to improve the lot of children. Special mention should be made of the work of Swami Agnivesh, currently Chairman of the Board of Trustees of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery, to eliminate child labour and bonded labour. In conclusion, he stressed the need for cooperation between Governments, which enacted laws, and NGOs which raised public awareness and worked at grass-roots level to eradicate social problems.

41. Mr. KHAN (Afro-Asian Peoples' Solidarity Organization) congratulated Mrs. Warzazi on her report on contemporary forms of slavery (E/CN.4/Sub.2/1997/13), where it was mentioned inter alia (para. 47) that, while the countries that had to deal with the problem of child and bonded labour had enacted constructive legislation to control such practices,

those laws were not being effectively applied and the Governments were trying to conceal their lack of political will behind the pretext of poverty and lack of financial resources.

42. The Pakistan Government, for example, had done little to implement the laws banning debt bondage. Adults remained in thrall to that system for years to pay off loans contracted with their employers - often big landowners - while many parents subjected their children to it against loans, despite the law passed in 1992 to abolish bonded labour. The police and public authorities were powerless in face of those big landowners, who had their own private armies and made their own rules. There were believed to be hundreds of thousands of victims of bonded labour in Pakistan, mainly in agriculture and some sectors of industry. The murder of the young Iqbal Masih, who after being subjected to the system as a child had taken up the cause of bonded labourers, had shocked the world. Since his death the Pakistan Government had taken no further initiative to put an end to child bonded labour. To remedy that evil it must: take action to ensure that anyone suspected of infringing the 1992 Act was brought to trial; order the responsible officials of each district to investigate any cases of bonded labour and set up vigilance committees to see to the implementation of the law and the rehabilitation of victims; and widely publicize the terms of the 1992 Act and the 1995 rules for its implementation.

43. The situation in Pakistan was mirrored in many other countries. It was therefore essential that the recommendations contained in the Working Group's report should be given effect so that conditions could be created for all human beings to live in dignity.

44. Ms. PROVO KLUIT (Pax Christi International) said that forced labour was one of the most serious contemporary forms of slavery. In Myanmar, a country which was a signatory to ILO Convention No. 29 on forced labour, the State Law and Order Restoration Council (SLORC) subjected, in particular, the members of the Karenni, Shan and Mon ethnic groups to that practice. Those populations had to work on large-scale construction projects and, in the border areas, serve as porters for the military, sometimes for months on end. Though the SLORC tried to cover itself by claiming that there was a tradition of community work in Myanmar, it was really using forced labour to repress minorities. Tens of thousands of people - men, women and children - were working, for example, on the building of the Yadana gas pipeline and the Ye-Tavoy railway. The only way to escape forced labour was to pay a "tax" to the SLORC personnel. Pax Christi International was therefore pleased that ILO was currently inquiring into those practices and requested the Sub-Commission to give priority to examining the question.

45. Pax Christi International also felt deeply concerned about traffic in women and children for the sex industry and about the less evident but equally widespread problem of the abuses to which domestic employees were subjected. The situation of some illegal immigrants, who were made to work for the middlemen who had arranged their passage, also called for attention.

46. Ms. DUROURE (Indigenous World Association) said that the findings of the survey she had recently conducted on child labour in Bolivia, at the request of the national authorities, were most alarming. Over 700,000 juveniles

under 18 years old, including 600,000 under 14, were working there. The explanation for that situation lay in a historical context of colonial domination and slavery and the contemporary capitalist system, which led to exploitation and marginalization of the weakest. Those factors were compounded by a form of "internal colonialism" and by racial and social discrimination against the indigenous peoples. The great majority of children at work were little Indians.

47. She, the representative of the Indigenous World Association, had seen for herself the sordid living conditions of those children, some of them recruited by placement agencies. Almost all of them had experienced violence and ill-treatment and their physical, psychic and intellectual development was affected. When they grew up, they re-enacted with their children the pattern of life they had known and became vulnerable citizens, even more at risk than others of exploitation, unemployment, disease and accidents. Child labour therefore jeopardized the very development of the country.

48. Apart from its harmful effects, child labour violated several rights guaranteed in the Convention on the Rights of the Child. Its elimination was therefore the business of course of Governments - a fortiori when they had ratified the Convention - but also of the international community. There was an urgent need, also, to rethink forms of assistance to families and see to it that international aid was not diverted from its real purpose. Above all, the work of adults must be revalued, in terms of dignity as well as wages.

49. Mr. Joun Yung SUN (Observer for the Republic of Korea) said that the tragedy of the "comfort women" had not ended with the Second World War but still continued as a feature of other armed conflicts. Since 1992, when attention had been drawn to the problem by the Sub-Commission, the Government of the Republic of Korea had been urging the Japanese Government to reveal the whole truth and take the measures necessary from the viewpoint of the victims and of the NGOs concerned. The recommendations made by Ms. Coomaraswamy, Special Rapporteur on violence against women, its causes and consequences, to the fifty-second session of the Commission should also be implemented.

50. Unlike Japan, the Republic of Korea did not think that the solution lay in compensation of the victims through a private organization, as it had made clear at the fifty-third session of the Commission and the twenty-second session of the Working Group on Contemporary Forms of Slavery. The responsibility of the Japanese Government was not, as it claimed, only moral, and the majority of the victims could never be satisfied with financial compensation from a private source, which would be a further affront to their dignity. The Republic of Korea had, for its part, provided those victims with all the material and social support necessary.

51. In June the ILO Committee on the Application of Standards had concluded that the implementation of any compensatory measures taken by the Japanese Government should be monitored by that same organization's Committee on the Application of Conventions and Recommendations, preferably in consultation with the organizations representing the victims. Meanwhile the Sub-Commission should keep the matter under review and appoint at the present session an expert to replace the Special Rapporteur on the situation of systematic rape,

sexual slavery and slavery-like practices during periods of armed conflict, Ms. Chavez. Once again, though, it was up to Japan to take appropriate measures without further delay.

52. Mr. MINE (Observer for Japan) said that the important problems of exploitation of children must be tackled at the national level and through such United Nations mechanisms as the Working Group on Contemporary Forms of Slavery.

53. At its June session the Working Group had taken up in particular the question of "comfort women". Japan, determined as it was to help those women, wished to report on what had been done to translate into reality the intentions it had expressed on that subject at the Sub-Commission's previous session. First, the Asian Women's Fund had received from a wide range of sources, including firms, trade unions, political parties, members of the Japanese Diet, and ministers, contributions totalling about 480 million yen (over 4 million dollars). From those funds, 21 victims in the Philippines and 7 in the Republic of Korea had been compensated. In Taiwan the compensation project had recently started. In addition, the Japanese Government had decided to allocate about 700 million yen from the national budget, over a five-year period, to welfare and medical aid projects for the victims in those three countries, in cooperation with the Governments concerned and the competent organizations. In Indonesia the Fund had concluded an agreement with the authorities with a view to implementing a project to provide aid to the victims in the amount of 380 million yen, financed entirely by the Japanese Government and for a duration of 10 years. The project provided for the building of accommodation facilities for elderly and indigent victims.

54. The Japan Government was endeavouring to promote public awareness of the problem and since April 1997 references to it had been included in all secondary school textbooks. The Asian Women's Fund had also appointed a committee of historians and experts to collect documentation on the issue. At the same time, the Fund was taking part in the general effort to combat violence against women. In 1996 it had held, jointly with the Economic and Social Commission for Asia and the Pacific, an international forum on the subject at the United Nations University in Tokyo. In November 1997 it would be holding in Manila, jointly with the Government of the Philippines and some NGOs, an international forum on trafficking in and sexual exploitation of women and children, as a contribution to the follow-up of the Stockholm World Congress against Commercial Sexual Exploitation of Children. The Japanese Government was contributing funds to those activities and intended to continue cooperating with the Sub-Commission in that area.

55. Mr. Bengoa resumed the Chair.

56. Mr. FAN Guoxiang said that the question of "comfort women" was neither outdated, nor unimportant, nor isolated, since it was pertinent to the general position adopted by Japan with regard to the Second World War. But he wished first to say that he drew a distinction between such independent experts as Mr. Hatano and his alternate and the current Japanese Government, and also

between the Japanese Government of that time, which had been responsible for the problem, and the Japanese people which had itself been a victim of the war.

57. The problem of the "comfort women" could not be resolved simply by compensating the victims. Also a certain ambiguity must be dispelled. Two years previously a senior diplomat on the Permanent Mission of Japan at Geneva had indeed apologized on behalf of his Government for that war of aggression. It must be remembered that the Second World War had claimed 35 million victims in China. Sometimes, however, the Japanese Government, doubtless influenced by right-wing forces, maintained that the Second World War had been a patriotic war. Until Japan sincerely acknowledged its responsibilities in regard to that conflict, as some European countries had done, suspicions would persist, in Asia and elsewhere. Japan must recognize its political, legal and moral responsibility towards the women concerned, who could not be satisfied with the material compensation offered by the Asian Women's Fund. Japan must therefore continue to cooperate with the United Nations mechanisms, as the Working Group on Contemporary Forms of Slavery had recommended, if it wanted to get out of that embarrassing position.

The meeting rose at 18.05 p.m.